

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

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IN RE: 2020 ENERGY EFFICIENCY PROGRAM)
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Docket No. 4979

**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY D/B/A
NATIONAL GRID FOR PROTECTIVE TREATMENT OF
CONFIDENTIAL INFORMATION**

The Narragansett Electric Company d/b/a National Grid (“National Grid” or the “Company”) hereby respectfully requests that the Public Utilities Commission (“PUC”) grant protection from public disclosure certain confidential information submitted by the Company in the above referenced docket. The reasons for the protective treatment are set forth herein. The Company also requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to 810-RICR-00-00-1.3(H)(2).

The record that is the subject of this Motion that requires protective treatment from public disclosure is an Excel file entitled “Confidential Vendor Schedules 2020” (referred to herein as the “Confidential File”) that was filed by the Company on May 3, 2021 as part of the Company’s 2020 Energy Efficiency Year-End Report (“Year-End Report”). The Confidential File contains the following information:

- **Confidential Vendor Schedule 1 - 2020 Year End Report - Table E-1 - Program Level Cost Breakdown into Subcategories:** A breakout of the electric energy efficiency programs by cost category and sub category, detailing vendor and external entity costs at a program level.
- **Confidential Vendor Schedule 2 - 2020 Year End Report - Table G-1 - Program Level Cost Breakdown into Subcategories:** A breakout of the gas energy efficiency programs by cost category and sub category, detailing vendor and external entity costs at a program level.

- **Confidential Vendor Schedule 3 - 2020 Rhode Island Energy Efficiency Vendor Costs (Electric and Natural Gas):** A listing of the vendor and external entity costs across both the electric and gas portfolios, broken out by cost category.
- **Confidential Vendor Schedule 4 - 2020 Rhode Island Energy Efficiency Vendor Costs >\$1M (Electric and Natural Gas):** A listing of the vendor and external entity costs greater than \$1M across both the electric and gas portfolios in 2020, broken out by cost category, with additional description added of vendor services rendered, and additional vendor details.
- **Confidential Vendor Schedule 4a - 2020 Rhode Island Energy Efficiency Vendor Costs >\$1M (Electric):** A listing of the vendor and external entity costs greater than \$1M for the electric portfolio in 2019, broken out by cost category.
- **Confidential Vendor Schedule 4b - 2020 Rhode Island Energy Efficiency Vendor Costs >\$1M (Natural Gas):** A listing of the vendor and external entity costs greater than \$1M for the gas portfolio in 2019, broken out by cost category.

The Company requests protective treatment of the Confidential File in accordance with 810-RICR-00-00-1.3(H) and R.I. Gen. Laws § 38-2-2-(4)(B).

I. LEGAL STANDARD

For matters before the PUC, a claim for protective treatment of information is governed by the policy underlying the Access to Public Records Act (APRA), R.I. Gen. Laws § 38-2-1 et seq. See 810-RICR-00-00-1.3(H)(1). Under APRA, any record received or maintained by a state or local governmental agency in connection with the transaction of official business is considered public unless such record falls into one of the exemptions specifically identified by APRA. See R.I. Gen. Laws §§ 38-2-3(a) and 38-2-2(4). Therefore, if a record provided to the PUC falls within one of the designated APRA exemptions, the PUC is authorized to deem such record confidential and withhold it from public disclosure.

II. BASIS FOR CONFIDENTIALITY

The Confidential File that is the subject of this Motion is exempt from public disclosure pursuant to R.I. Gen. Laws § 38-2-2(4)(B) as “[t]rade secrets and commercial or financial

information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” *The Attorney General’s Guide to Open Government in Rhode Island 6th Edition*¹ provides guidance as to the scope of R.I. Gen. Laws § 38-2-2(4)(B)’s applicability. It states that:

If a request is made for financial or commercial information that a person is obliged to provide to the government, it is exempt from disclosure if the disclosure is likely either: (1) to impair the government’s ability to obtain information in the future, or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. If a request is made for financial or commercial information that is provided to the government on a voluntary basis, it is exempt from disclosure if the information “is a kind that would customarily not be released to the public by the person from whom it was obtained.” *The Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (R.I. 2001).

The Confidential File consists of financial and commercial information. National Grid would customarily not release this information to the public and its submission of the Confidential File stems from PUC Order No. 23937 in which the Commission approved the Energy Efficiency Program Plan for 2020 which, in part, provides that the Company is to file a Year-End Report. Accordingly, National Grid is providing the Confidential File to the PUC to fulfil its regulatory responsibilities in connection with the Year-End Report. Therefore, the Confidential File is exempt from public disclosure “if the disclosure is likely either: (1) to impair the government’s ability to obtain information in the future, or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.” See *The Attorney General’s Guide to Open Government in Rhode Island 6th Edition*, p. 22.

¹ <http://www.riag.ri.gov/Forms/AGguidetoopengovernment.pdf>

The release of the Confidential File is likely to cause substantial harm to the competitive position of National Grid. The Confidential File includes sensitive information and other commercial details regarding the Company's vendors. Disclosing this information to the public could harm the Company's ability to procure vendors in the most cost-effective manner and, ultimately, harm customers.

III. CONCLUSION

For the foregoing reasons, the Company respectfully requests that the PUC grant this motion for protective treatment of the Confidential File.

Respectfully submitted,

**The Narragansett Electric
Company d/b/a National Grid**

By its attorney,

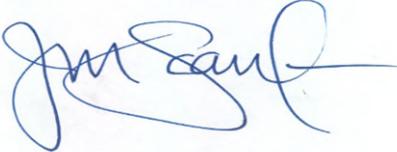


Andrew S. Marcaccio (#8168)
National Grid
280 Melrose Street
Providence, RI 02907
(401) 784-4263

Dated: May 3, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the Service List for Docket No. 4979.



Joanne M. Scanlon